



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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REGION VIII  
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November 13, 2018

Dr. Javier Abrego  
Superintendent

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Members of the Board of Education

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Re: Adams County School District 14  
Case Numbers 08-09-1230 and 08-10-1112

Dear Superintendent Abrego and Members of the Board of Education:

This letter addresses the monitoring of the Resolution Agreements with the Office for Civil Rights (OCR) in case numbers 08-09-1230 and 08-10-1112. We focus on the specific requirements of the resolution agreements and OCR's assessment of the District's ability to meet these requirements.

At the outset, OCR recognizes that there have been significant leadership changes in the District both at the Administration and School Board levels. OCR reiterates that, despite these changes, the District is obligated to adhere to federal civil rights laws and also to implement the agreed upon terms of these Resolution Agreements. We note that during the monitoring of these two cases, with each new administration in the District, there is a pattern of a systematic departure of individuals who possess appropriate expertise, knowledge, and understanding of all aspects of the alternative language programming for the District and who were working with OCR, as well as individuals tasked with implementing the District's steps to address and remedy the hostile environment.<sup>1</sup> As a result, the District effectively starts over with its compliance efforts with each new administration.<sup>2</sup>

<sup>1</sup> In the life of the monitoring of these two cases, the Office for Civil Rights has worked with three different superintendents and various members of the Board of Education.

<sup>2</sup> The District has not completed the required agreement items in either of these identified cases in 9 and 8 years respectively.

OCR attempted, in previous meetings with administration and school board officials, to work collaboratively with the District in its effort to fulfill the terms of the Resolution Agreements, and continues to stand ready to provide that assistance. **In an effort to create this type of interaction, we will schedule a meeting with the District's administration and members of the Board of Education before the end of 2018.** Additionally, OCR will invite individuals from the Colorado Department of Education to discuss the current state of these agreements and the concerns discussed in the remainder of this letter. The intent of this initial meeting will be to provide direction to the District so that an effective action plan can be initiated moving forward.

As a reminder, if the District fails to comply with the terms of the resolution agreements, OCR must consider all available options to encourage the District to come into compliance with the federal civil rights laws we enforce. Those options can include either: (1) initiating administrative proceedings to suspend, terminate, or refuse to grant or continue and defer financial assistance from the U.S. Department of Education to the District; or (2) referring these cases to the U.S. Department of Justice for judicial proceedings. It remains our hope that these actions can be avoided and that we can work together in completing the implementation of the two resolution agreements.

The remainder of this letter consists of the Agreement items from both Resolution Agreements presented in italics, with our discussion of the monitoring evidence as of the date of this letter.

#### Background

The complaint in case number 08-09-1230 was filed on August 7, 2009. In this case, the Complainant alleged that the District discriminated against national origin minority students on the basis of their limited English proficiency (LEP or English Language Learner-ELL) by not providing them services necessary to participate meaningfully in the District's educational program. More specifically, the Complainant alleged the District did not provide alternative language program services to all LEP students, and the District did not ensure that all teachers who are providing alternative language program (ALP) services are qualified. Further, para-professionals providing services were not working under the direct supervision of a qualified teacher.

We initiated an investigation of these allegations and the allegations in OCR case number 08-10-1112 under Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d, and its implementing regulation, at 34 C.F.R. Part 100, which prohibit discrimination on the bases of race, color, or national origin in activities or programs that receive federal financial assistance. The District receives federal financial assistance from the Department and therefore is subject to the provisions of Title VI and its implementing regulation.

To resolve the allegations, the Adams County School District 14 (District) signed a Resolution Agreement with our office on February 5, 2010.<sup>3</sup>

In March 2010, we received a related OCR complaint against the District, OCR case number 08-10-1112, alleging that the District was a hostile environment toward Hispanics and that the District failed to communicate with national origin language minority parents in a language and

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<sup>3</sup> The Resolution Agreement in this case was signed by Dr. Susan Chandler, a former Superintendent.

manner that parents understand. OCR made violation findings in case number 08-10-1112. We found that the District failed to communicate effectively with parents who are limited in their English proficiency and that the District was responsible for the creation of a hostile environment toward Hispanic students, parents, and staff. On February 11, 2014, the District signed an Agreement to come into compliance with Federal law in that case.<sup>4</sup>

In the Resolution Agreement for OCR case number 08-10-1112, the District agreed to add additional requirements to the monitoring of 08-09-1230 concerning the District's "ELL Design Committee", the District's language use policy, and communication with LEP parents in that they are closely aligned with ALP decisions and monitoring. These were areas where during the investigation of OCR case number 08-10-1112 the District was found to have violated Title VI of the Civil Rights Act of 1964. We also address those areas of compliance in this letter.

As reported by the District, Adams County 14 School District has eleven schools to serve approximately 7,000 students kindergarten through twelfth grade. The District is comprised of eleven elementary schools, two middle schools and two high schools. The District is greater than 80 percent Hispanic, with at least 59.27 percent of the student population being Spanish speaking and 39.55 percent English speaking. There are approximately 41 students in the District whose primary home language is other than English or Spanish.<sup>5</sup> Every school except for Lester Arnold Alternative High School has a majority of students that are Spanish speaking.<sup>6</sup> At least 53 percent of the District's students, kindergarten through fifth grade, are English language learners. At the secondary level, there are at least 40 to 43 percent English language learners.<sup>7</sup> Importantly, this is an English and Spanish speaking community.

#### Summary of OCR's monitoring of the Resolution Agreement for 08-09-1230

On September 30, 2015, the District provided OCR with a draft alternative language program plan for OCR's review and approval. The District explained its intent to use the plan as an interim measure and to phase into its full implementation while working with OCR on final plan approval. Our recent monitoring inquiry demonstrated that the District is not implementing its interim ALP plan that it submitted to OCR in 2015.

In OCR's meeting with Superintendent, Dr. Abrego in February 2018, Dr. Abrego initially repudiated the 2015-16 ELL Plan (Plan) to the Office for Civil Rights. When asked for clarification, Dr. Abrego modified his statement and said that the District was implementing *parts* of the plan. Ultimately, during the conversation, Dr. Abrego stated that the District was implementing the draft 2015 ELL Plan.

As mentioned above, with each new administration in the District, there is a loss of expertise, knowledge and work that the District has made toward implementing an appropriate and successful ALP. Currently, this has resulted in District administration claiming to OCR that it does not know

<sup>4</sup> The Resolution Agreement in OCR case number 08-10-1112 was signed by Mr. Patrick Sanchez, the former Superintendent and by Mr. Robert Vashaw, the then President of the Board of Education.

<sup>5</sup> There are sixteen languages represented in the District currently.

<sup>6</sup> Lester Arnold Alternative High School has approximately eight more English speakers than Spanish speakers.

<sup>7</sup> OCR is concerned that the District may not be identifying and serving ELL students at ELL levels 3 and 4 especially at the secondary level so this count may be inaccurate.

what the District's alternative language program is and starting over to re-invent programming for ELL students which should have been in place from prior administrations.

In an interview in March 2018, Dr. Abrego stated that ELL programming was left to the principals to decide and implement. This is problematic where evidence demonstrates that principals have decided to not implement an alternative language plan in a manner that meets the requirements of Title VI and the District's Resolution Agreement with OCR.

The District has an ongoing obligation to provide an appropriate alternative language program while navigating final approval of its ALP with OCR. Principals may not choose which pieces of the plan school staff will or will not implement. This decision by the District displaces the impact and effectiveness of the District's Resolution Agreements with OCR. Through OCR's monitoring, we learned that the District is not implementing its interim ALP plan or any program (with fidelity, integrity, or continuity) that meets the requirements of the Resolution Agreement or Title VI of the Civil Rights Act of 1964. This is an *ongoing* compliance concern for OCR.

Evidence from the District, the Colorado Department of Education website, and interviews with District administration, staff, and community members demonstrates that the District has not met the terms of this Resolution Agreement, its own interim alternative language program (ELL Plan) or with the requirements of federal law to: (1) have an ALP plan that is recognized as sound by some experts in the field or is considered a legitimate experimental strategy; (2) take steps reasonably calculated to implement its chosen ALP; and (3) to evaluate its program to ensure that it is effective and that ELL students are receiving equal educational opportunities (e.g., learning English and experiencing equal access to other content area instruction ).<sup>8</sup>

The District must also have effective communication with parents who have a primary home language other than English. Evidence and interviews demonstrate that the District is not communicating with parents consistently in a language and manner that parents understand.

### Resolution Agreement

#### *Item 8*

*The District may seek technical assistance from OCR and input from administrators, staff, and the community in the development of its Plan (described under Item 9 of this Agreement) for addressing the educational needs of ELL students.*

To meet the requirements of this Agreement Item, on September 15, 2014, the District informed OCR that it was working with the BUENO Center for Multicultural Education at the University of Colorado (BUENO Center), a nationally recognized organization with expertise in this area, to redevelop its alternative language program that had not been progressing toward compliance or full implementation. As requested by the District, and as recommended in our Resolution Agreement with the District, we approved the District to work with the BUENO Center. Further,

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<sup>8</sup> This is codified in Title III of the Every Student Succeeds Act (ESSA).

See, <http://www.everystudentsucceedsact.org/>, and  
<https://legcounsel.house.gov/Comps/Elementary%20And%20Secondary%20Education%20Act%20Of%201965.pdf>

the OCR approved the BUENO Center as an external consultant group as was required to assist the District in OCR case number 08-10-1112.

Surprisingly, in May 2018, the District non-renewed its ELL Director and reportedly eliminated the position from the District. During our recent inquiry we obtained information demonstrating that the District is modifying its ALP, without the assistance of a qualified ELL Director and without the input or assistance from its identified external consultant as agreed to in conjunction with case number 08-10-1112. The District's current status in this area is unknown.

*Item 9-District's Alternative Language Plan*

*...[t]he District will develop and submit to OCR for review a draft written Plan for providing educational services to all its ELL students, as stipulated below. OCR anticipates that the District may need to submit successive drafts of its Plan, within time frames specified by OCR, to ensure that the District's final Plan adequately meets all terms of Item 9 of this Agreement. OCR will provide an evaluation of each element of the District's draft Plan(s) and may provide technical assistance as required to develop a final Plan that complies with the regulations and this Agreement. Failure by the District to timely provide OCR with a final Plan that meets all terms of Item 9 of this Agreement will be considered a breach of this Agreement.*

*For each Plan item, the Plan will specify the procedures, corresponding activities, the dates for these activities, the persons responsible, and the supporting documentation. The District's Plan will address the following educational services for ELL students at each school:*

- A. **Placement of ELL students.** *The District will develop and describe procedures to ensure appropriate placement of all ELL students into alternative language programs (ALPs) pursuant to ALP models selected by the District<sup>9</sup>. These procedures will ensure that all ELL students receive appropriate English language acquisition services despite transfers or changes in schools.*
- B. **Selected alternative language models.** *The District will identify the persons responsible and the timeframes applicable to the implementation of each ALP model described in the Plan. Specifically, the District will:*
  1. *Describe the ALP model(s) of direct English instruction that will be provided to all ELL students on a permanent, daily basis at the elementary, middle school, and high school levels, including the educational theory(ies) recognized by experts in the field on which the program is based, and the interim services provided while the permanent ALP model(s) is being phased-in;*
  2. *Delineate what specific educational services will be provided to all ELL students, based on their respective English-language and academic needs. Other criteria to consider may include, but are not limited to,*

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<sup>9</sup> OCR does not require or endorse the use of any particular program model to serve ELL students. Each recipient can select approaches, standards and procedures that are appropriate for its local needs based upon sound educational judgments and practices that will ensure equal educational opportunities for its ELL students.

*proficiency in the primary or home language, academic experience and age.*

3. *Describe how ELL students in schools with low-incidence language-minority students and no formal ALP will receive English language remediation assistance; and*
4. *Describe how ELL students whose parents refuse ALP services are provided language assistance.*

C. **Staffing.** *The District will develop and describe procedures to ensure that it has appropriate staffing to fully implement its selected ALP service model(s).*

1. *The District will evaluate how many certified and bilingual or ESL endorsed teachers<sup>10</sup>, bilingual assistants or tutors, and other staff are necessary to fully implement the ALP model(s) at each school enrolling ELL students. In making this determination, the District will consider the training and qualifications of staff needed to implement each service model, specifically:*
  - a. *The primary providers of ALP instruction are to be certified teachers who are fully trained and qualified to deliver ALP instruction;*
  - b. *Any bilingual teachers, assistants, or tutors who provide native language support in a bilingual program are to have the appropriate level of skill in speaking, reading and writing in English and the other language; and*
  - c. *All tutors and assistants in the ALP are to be under the **direct supervision** of qualified ALP teachers (i.e. teachers who are endorsed, or are seeking endorsement in ESL or bilingual education).*
2. *The District will determine the extent to which the staff needed to implement the ALP models and services above are currently available, and how many additional staff members need to be trained, hired, or assigned to the ALP program to fill those staffing needs.*
3. *The District will describe the steps it will take to train, hire, or assign staff members to meet its ALP staffing needs with fully qualified staff on a permanent basis. In the permanent phase all ELL students will be taught in the ALP by certified teachers who have been fully trained and qualified to deliver ALP instruction (e.g., certified teachers with an endorsement in bilingual education or ESL methodologies).*
4. *The District will also describe the staffing patterns it will use in the interim, while additional staff members are being trained, hired or assigned to the ALP. The District will take timely measures to adequately staff the ALP.*

Based on ALP compliance concerns that were identified during the investigation of OCR case number 08-10-1112, in a monitoring letter on August 18, 2014, OCR asked the District to update its information for OCR concerning its alternative language program including staffing numbers and endorsements for teachers providing English language development (ELD) services for the program. On September 15, 2014, the District provided OCR with a report describing

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<sup>10</sup> In Colorado, the endorsement is a Linguistically Diverse (ESL or bilingual) endorsement.

rudimentary ELD instruction per Agreement Item 9 and a list of teachers' endorsements for those teachers providing ELD instruction.<sup>11</sup>

The data provided by the District demonstrated that the District was not providing alternative language services to all ELL students and did not have qualified staff to provide those services. The District raised its own compliance concerns with its failed implementation and shared its intent to launch a "wholesale redesign" of its alternative language programming, and to begin the phase-in of the new redesigned plan as an interim measure in the fall of 2015.

During the tenure of the former superintendent, Pat Sanchez, and with the assistance of its identified consultants and support from the community, the District drafted a new ALP Plan and submitted it to OCR for approval on September 30, 2015, and began implementing the plan (September 2015 Plan) as an interim measure while continuing to work with OCR on its approval and compliance. In the September 2015 Plan, the District reintroduced ELD instruction for all ELL students K-12, and K-1 of bilingual education. Subsequently, the District reintroduced 2<sup>nd</sup> grade bilingual education in the fall of 2016. In only its third year of bilingual education, the District increased to a bilingual 3<sup>rd</sup> grade in the fall of the 2017-2018 school year.

The District's plan describes English language development (ELD) for all English language learners (non-English speaking [NEPs levels 1 and 2], and limited English proficient [LEPs levels 3 and 4]) to be provided at every school in the District, K-12. The plan describes a late-exit bilingual education program to begin with Kindergarten and first grades and build yearly to include K-5 at Monaco Elementary School, Dupont Elementary School, Kemp Elementary School and Hanson Elementary School, and a partnership with the BUENO Center to strengthen the biliteracy piece of the bilingual program. In the partnership, the BUENO Center was going to assist the District in implementing, training, and capacity building for the biliteracy piece of its bilingual program using the Literacy Squared® model.

The plan also identifies that secondary NEPs levels 1 and 2 will attend a newcomer program at Kearney Middle School and Adams City High School respectively. The newcomer program is to provide ELD, other intensive content area language development and support for the native language for students for 2 years while considered non-English proficient (NEPs). Finally, the plan addressed staffing, student assessments and a proposed plan for long-term English language learners.

With regard to providing adequate staff for the District's program, the District agreed to work toward Culturally and Linguistically Different Education (CLDE) endorsements for all teachers providing services in both ELD and bilingual classrooms respectively.

The District's written Plan describes that the District's mission is to "ensure that English learners attain English fluency, meet high academic expectations in order to become a successful, productive, linguistically- and culturally-empowered individual in a global society". The District's philosophy as stated in the 2015 ELL Plan is that "maintaining and developing a student's native language is beneficial for their academic achievement and self-esteem. Language is valued as an asset. Biliteracy is the goal."

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<sup>11</sup> This response was provided by former Superintendent, Patrick Sanchez and former in-house counsel, Walter Kamarz.

OCR reviewed the District's ELL Plan and found areas that need to be examined and revised, and pieces of the plan that are lacking vital plan information. Prior to the upcoming meeting with the District and other identified stakeholders, we will provide an electronic copy of the ELL Plan in MS-Word format with our comments. As a preview, we have concerns involving evaluation and placement of ELL students, specific programming identified in the Plan, including models of instruction, alternative language programming for long-term English language learners, staffing requirements, appropriate endorsements and professional development.

#### *Item 9-A. Placement of ELL Students*

During the 2017-2018 school year, OCR learned from District staff and administration that the District's secondary program has been serving only the non-English speaking (NEP) levels 1 and 2 students instead of all ELL levels 1-4. Additionally, OCR learned from these sources that during the 2017-18 School year, approximately 65 ELL students at NEP levels 1 and 2, at Adams City High School received no ELL services until the second semester.<sup>12</sup>

Although identified in the ALP plan as a crucial key to monitoring and moving students through the ALP services, we learned from staff that schools do not have functional School Language Review Teams (SLRT) to determine the re-designation of ELL students into new ELL instructional categories as described in the Plan.<sup>13</sup> This impacts at least 53 percent of elementary students and at least 43 percent of secondary students. Without a functioning SLRT, the District has no mechanism to appropriately assess ELL student progress, and affect student placement into appropriate ELD settings. It becomes a Title VI violation when ELL students are not appropriately identified and not appropriately served to address their ELL needs.

#### *Item 9-B. Selected alternative language models*

Our inquiry and interviews with staff and others uncovered that in every elementary school of the District, English language development is not being appropriately or adequately provided. We learned that ELD instruction is being provided to ELL students and English only students together at the same time in classrooms with all the same instruction. In many classrooms, there is no effort to provide different instruction for English only students during ELD instructional time. ELL students are being instructed with the same curriculum as English only students and there is no identifiable ELD instruction for ELL students in these settings.

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<sup>12</sup> The District is obligated to offer compensatory ALP services to Level 3 and 4 students who did not receive ELD services during the 2017-2018 school year, and to the approximately 65 Level 1 and 2 students who did not receive alternative language services in the fall of the 2017-18 school year.

<sup>13</sup> Each school in the District is to have a School Language Review Team (SLRT) to review the body of evidence contributed by ELD teachers, classroom teachers and available assessments, across the four language domains, including academic achievement and literacy. The SLRT is to determine if an ELL student needs to be promoted, retained or exited from any part of the ALP. SLRT in each school will include: an administrator; ELD coach or SAL representative, ELD teachers, counselors, parents and the special education teacher if the student is twice identified. *See*, ELD Plan 2015-1016, page 33.

We learned through a variety of sources that at District middle schools and high schools ELL students are being required to sacrifice elective classes and schedule ALP services during those class times.

In the District's bilingual program, the District is not providing mathematics instruction or alternating content area instruction in Spanish. This will be addressed in greater detail in the comments in the draft ELL Plan.

In the 2017-2018 school year, the District's Chief Academic Officer and some principals directed teachers to reduce and in some schools eliminate critical Spanish language instruction in reading and language arts in bilingual classrooms specifically in 2<sup>nd</sup> and 3<sup>rd</sup> grade, supplanting instruction and deviating from in its ALP Plan. The District also chose not to re-institute bilingual 4<sup>th</sup> grade at bilingual schools for the 2018-2019 school year.

During the 2017-18 school year, the District's Chief Academic Officer eliminated crucial bilingual assessment pieces (in Spanish) from many bilingual classrooms, losing a core component of the bilingual framework that ensures students are progressing academically in both languages, which is a large component in students' academic English growth and proficiency. This decision undermines the implementation of the District's chosen alternative language program models.

The District affirmed in February and March of 2018 that it chose to implement ELD for all ELL students, a secondary newcomer program, and a late exit bilingual program at four elementary schools. One goal of the stated late exit program is the development of English content areas through the development and use of the native language. If the District is not evaluating students' in the native language in bilingual classrooms, the District is not able to appropriately evaluate *content area* growth while students learn English through the ELD instruction.

OCR learned that there is a lack of appropriate language testing to determine ELL student progress in both ELD and bilingual classrooms. During the 2017-18 school year, there were ELL students who were not being evaluated appropriately on ACCESS. ACCESS is an English language proficiency examination. It is used to evaluate students' levels of English language development for identification and placement purposes and to evaluate ELL student proficiency growth in English each year for placement and exiting decisions. Staff and administrators explained to OCR that there were students who were not evaluated on ACCESS as required during the school year. We also learned that some individuals tasked with conducting ACCESS testing were not qualified or appropriately trained to do so.

Additionally, we learned from several sources and interviews that the Chief Academic Officer directed staff to evaluate bilingual students on PARCC only in English and prohibited staff from evaluating students on the Spanish PARCC (which was available) limiting students' access to appropriate and valid assessments to gauge their academic achievement in the content areas while developing English language skills and Spanish language growth. This also inhibits the District's ability to evaluate its chosen ALP.

The District is in the process of implementing Beyond Textbooks as an umbrella instructional framework for the District. Beyond Textbooks utilizes curriculum calendars, curriculum

documents and online curriculum resources for classroom teachers. Beyond Textbooks reported to District administrators and to staff that it has not been designed for or contemplates use for ELL students or for alternative language programs. Multiple staff and administrators reported that Beyond Textbooks utilizes a calendar framework which does not parallel or support the District's ELD or bilingual frameworks and chosen curricula and compromises their scope and sequence and the integrity of instruction for ELL students.

*Item 9 C. Staffing*

Resolution Agreement Item 9.C. requires the ALP teachers to have appropriate CLDE endorsements. As an interim, stop-gap measure, the District decided to train all teachers on the District's chosen ELD curriculum, to provide ongoing professional development, and to provide each building with ELL coaches to conduct classroom walk throughs with the ELD department once a month.

The District has not met the stated Plan goals for professional development, support or the CLDE endorsement of ALP staff. In the fall of the 2017-2018 school year, Chief Academic Officer, Aracelia Burgos, permanently cancelled all ELL walk throughs identified in the Plan to provide ongoing professional development for ALP providers. The District reported in 2018 that some ELD and bilingual staff have sought Master's degrees and endorsements on their own through a partnership with the BUENO Center.

During the 2017-18 school year, there were teachers who self-reported to OCR that they were providing ELD instruction without a CLDE endorsement and also without the stop-gap *interim* measure of training on the curriculum used by the District to provide ELD instruction while obtaining the endorsement. There are instances during the 2016-17 and 2017-2018 school years where unendorsed teachers were trying to provide ELD instruction without training, without coaching from ELL instructional coaches and without ELD support of any kind from the District. This is contrary to the requirements of Resolution Agreement Item 9.C and must be addressed.

The District's alternative language plan stated that as a part of the capacity building and support for the development of appropriate instruction and instructional models, the District would conduct ongoing professional development training for all staff providing instruction in the ALP. For the 2017-2018 school year, the Chief Academic Officer removed all alternative language program training from the regular professional development (PD) calendar and placed it after school and made it voluntary. Ms. Burgos acknowledged this removal to OCR. This supplants the District's ELL Plan, undermines the District's capacity building efforts for its ALP, and takes away training that many District teachers need unless they acquire the training voluntarily. This does not fulfill the capacity building requirements of Agreement Item 9. C. 2, 3, and 4.

Staff and administrators (including coaches) told OCR directly that the role of alternative language coaches has been reduced and in some schools eliminated for other duties related to monitoring the implementation of other District programs. This was corroborated by language coaches that were interviewed. This change results in a lack of support for ELL assessments, the re-designation of ELL students and the elimination of ELD teacher mentoring and support which adversely impacts

the District's capacity building efforts as required in Agreement Item 9. C. 2. 3, and 4 and the need to appropriately evaluate ELL student growth.

Sources identified above further stated that that there are building administrators with bilingual classrooms in their schools who do not have adequate Spanish language skills to evaluate bilingual staff in violation of Resolution Agreement Item 9 for OCR case number 08-10-1112. This directly affects the District's ability to adequately evaluate its alternative language program.

District staff members explained to OCR that reading interventions in bilingual classrooms are being conducted all in English. This undermines the continuity of instruction in the District's bilingual program especially in the lower grades as described in the District's ALP Plan. The District's Plan requires that reading interventions in bilingual classrooms should mirror the percentages of English and Spanish instruction.

At each school, the lack of appropriately endorsed and trained staff for the alternative language program is an ongoing compliance concern that the District has not, in the life of the Resolution Agreement, adequately addressed. The District must address this in order to meet the requirements of Resolution Agreement Item 9.C.

#### *Item 10-Final Plan and Training*

*Within 60 days of OCR's approval of all terms of the Plan agreed to under Item 9 above, the District will:*

- A. Submit a complete, final copy of the Plan to OCR, and provide documentation to demonstrate that all building principals have received a copy of the Plan;*
- B. Provide a training agenda for administrators, faculty and staff regarding the implementation of the Plan (including training dates, sign in sheets and training responsibilities); and*
- C. In a newsletter or other similar document, notify parents and guardians of all District students that The District has developed a Plan to ensure that ELL students have equal and meaningful access to the District's educational services. The notice may also seek their support or assistance for the Plan's implementation. The notice will indicate the date when the District will implement the Plan. Notice will be provided in a written or oral language appropriate to the parents and community.*

Resolution Agreement Item 10 cannot be addressed fully until the District meets the reporting requirements of Resolution Agreement Item 9. Once these items for Agreement Items 8 and 9 are complete, the District must address Agreement Item 10. This will be discussed further in our meetings with the District.

#### *Agreement Item 11-Implementation*

*The District will begin to implement the Plan agreed to in Item 9 of this Agreement by [Date omitted]. The District will implement the specific Plan provisions in accordance with the time frames specified in the Plan.*

Resolution Agreement Item 11 cannot be addressed until the District meets Resolution Agreement Items 9 and 10. This will be discussed further in our meetings with the District.

### *Agreement Item 12-Evaluations*

*OCR will monitor the District's progress in developing the Plan agreed to in Item 9, the implementation of all components of the Plan, and other requirements specified above. OCR may request additional reports and documentation until the District has demonstrated full compliance with the terms of this Agreement. By [date omitted], the District will provide the following to OCR:*

- A roster of all ELL students enrolled in the District for the 2010-11 school year; including students' names; home language; school, grade and language evaluation scores.*
- A list of all teachers providing alternative language services including teachers' names, school and teacher certifications and endorsements. If any teachers providing services in the alternative language program are not appropriately endorsed, please provide written assurances of teachers' commitment to gain a Linguistically Diverse endorsement and the time frame for its completion.*
- For each school class lists of every alternative language class provided, including when the class meets, the duration of the class and who the teacher is.*

While resolution Agreement Item 12 cannot be addressed fully until the District meets Resolution Agreement Items 9 -11 we note that during the 2016-2017, and the 2017-2018 school years, ELL testing data was not disaggregated (by ELL v. bilingual v. English only student achievement) which undermines the District's ability to legitimately evaluate its alternative language programs and student growth. Further, the disaggregated ELL testing data is not being provided to parents or staff. This inhibits administration and teachers' ability to make appropriate and authentic adjustments to the design and implementation of the alternative language program, to report legitimate strengths, weaknesses and growth, and stifles parent communication.

### Additional Compliance Concerns Related to LEP Parent Communication

The District agreed in the Resolution Agreement 08-10-1112 that findings concerning the ELL Design Committee, the District's language use policy, and communication with LEP parents in a language and manner that they understand would be addressed in additional requirements in OCR Case Number 08-09-1230.<sup>14</sup>

In the course of monitoring the District, OCR has learned the following:

- During the 2017-2018 school year, OCR received ongoing communication that there are bilingual instructional teachers being evaluated by individuals who were not qualified to do so. Not all the principals at the identified bilingual schools have the requisite Spanish language skills to observe and appropriately evaluate teachers instructing in Spanish. Further, the District has no mechanism in place to determine whether principals have the requisite skills to evaluate staff in Spanish.

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<sup>14</sup> See, District's 08-10-1112 signed *Resolution Agreement*, dated February 11, 2014, at page 11.

- There was little to no communication with parents concerning changes implemented in the alternative language programming during the 2017-2018 school year, specifically reduction and elimination of Spanish instruction, Spanish evaluations, and ALP opportunities.
- During the 2017-2018 school year, bilingual/Hispanic staff were singled out and ordered by various administrators to not tell LEP parents about the elimination and reduction of ELL services that were employed during the school year. Some of those targeted were verbally threatened with termination if they do so.

The Superintendent stated to OCR that there was so much confusion that before teachers could talk to the community, “we need to be on the same page.” However, OCR found that these directives were given to teachers and threats of termination were made while the changes were being implemented, not during programmatic planning or discussions.

- LEP Spanish speaking parents have not been provided parent math materials even though Spanish parent materials were purchased by the District, were available, and English materials are provided.
- During the 2017-2018 school year, LEP parents have had no input or notification concerning ongoing alternative language program changes (e.g. Dr. Abrego made the decision to limit the bilingual program to K-2 by reducing and eliminating Spanish instruction in 2<sup>nd</sup> and 3<sup>rd</sup> grade classrooms, added a new requirement for Spanish proficiency for participation in the bilingual program for incoming kindergarten students in the 2018-2019 school year, and stopped the biliteracy component).

This input and communication was required after the findings in OCR case 08-10-1112.<sup>15</sup>

#### Summary 08-09-1230

In summary, the District has failed to complete its Agreement with OCR. As we noted at the beginning of this letter, historically, when the District changes superintendents and members of administration, there is a lapse or alteration in the District’s efforts to provide alternative language services for language minority students. The end result is a historical lack of consistency and continuity in services for ELL students and ultimately the failure to provide equal educational opportunities for second language learners.

#### OCR Case Number 08-10-1112

In OCR case number 08-10-1112, we initiated an investigation of the District on March 25, 2010. The Complainant alleged that the District discriminated against students, parents and staff on the basis of national origin (Hispanic). Specifically, the Complainant alleged that the District is a hostile environment for Hispanic staff, parents and students. The Complainant further alleged that the District failed to communicate effectively with parents who are limited in their

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<sup>15</sup> See, OCR case number 08-10-1112 Resolution Letter at:  
<https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/08101112-a.pdf>

English proficiency (LEP) in a language and manner that they understand. Generally, we found the following conduct resulted in the hostile environment:

- District Administration identifying and targeting Hispanic staff (including teachers on visas, bilingual staff and teachers with accents) for increased performance scrutiny resulting in negative evaluations, negative changes in assignments, and forced resignations;
- District administration taking actions to eliminate the use of Spanish from the District (including communicating its intent to eliminate the use of Spanish in social and non-academic settings with students, to include the removal of Spanish language materials from classrooms and buildings when students were present);
- Preventing English language learner (ELL) parents from participating in the District's ELL design committee;
- District Administration making national origin-based derogatory statements toward Hispanic staff, students, and parents;
- District Administration failing to address allegations of national origin (Hispanic) harassment that were brought to the former Superintendent's (Dr. Susan Chandler) attention; and
- The District not communicating effectively with ELL parents during parent teacher conferences, report card meetings, and in all school communications sent to parents.<sup>16</sup>

The District (Superintendent and President of the Board of Education) signed a Resolution Agreement with our office on February 11, 2014 to address the violations that were found through OCR's investigation.<sup>17</sup> The investigation was closed on April 25, 2014 and monitoring of the Resolution Agreement was initiated.

On January 25, 2018, the District provided OCR with an update on the District's actions on the Agreement to Resolve (Update). The Update was dated May 9, 2017. We reviewed evidence the District provided to us, to the Colorado Department of Education and information that we learned through interviews and other sources.

In a meeting with our Office on February 14, 2018, Superintendent Abrego and Darci Mohr, Director of Human Resources, voiced a commitment and desire to complete the terms of the District's April 2014 Resolution Agreement with the Office for Civil Rights.

### Resolution Agreement

#### *Items 1 and 2-Community Letter*

1. *By January 17, 2014, the Superintendent and School Board of Education will draft and submit to OCR for approval a letter in English and Spanish. The letter will identify:*

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<sup>16</sup> See, OCR case number 08-10-1112 Resolution Letter, at pages 1-2.

<https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/08101112-a.pdf>

<sup>17</sup> This Agreement was signed by former Superintendent Pat Sanchez.

- a. *the allegations and findings in the OCR complaint against the District identified above;*
- b. *identify steps that the District is taking to ensure compliance with Federal civil rights laws;*
- c. *an explanation that the District does not tolerate acts of harassment, including harassment based on race, color or national origin, including harassment based on being Hispanic. The letter will be in English and Spanish, and*
- d. *that if the District finds national origin harassment/discrimination it will take steps reasonably designed to effectively address, prevent, and respond to the harassment/discrimination. The letter will include language that:*
  - i. *Encourages people who believe that they have been subjected to or witnessed harassment/discrimination or a hostile environment based on race, color, or national origin to report this to the District;*
  - ii. *Notes the District's commitment to conducting a prompt investigation;*
  - iii. *Provides the appropriate contact information for the District Grievance Officer, and*
  - iv. *Warns that students, staff and/or administrators found to have engaged in acts of harassment or other acts that create a hostile environment based on race, color, or national origin will be promptly disciplined. The notice will make clear that such discipline may include, if circumstances warrant, suspension and/or expulsion, employment discipline and/or termination.*
- e. *The establishment of a community focus group to partner with the District to increase community awareness of the District's anti-harassment program.*

*Within 10 days of OCR's approval of the letter identified in Agreement Item 1, the District will release the letter through its normal modes of communicating with students, parents, and staff members including, but not limited to, posting the letter on its District website and including it in any District newsletters. The letter will also be made available in languages other than English and Spanish upon request.*

In its Update in January 2018, the District provided information to re-confirm that the District met the requirements of Resolution Agreement Items 1 and 2. Indeed, the District previously met Resolution Agreement Items 1 and 2 in the 2014-2015 school year. No further reporting is required for these two items at this time.

### *Item 3-External Consultants*

*By January 17, 2014, the District shall submit to OCR the name, title and professional credentials of an external consultant[s] engaged by the District to administer and assist in the review of the District's climate/need surveys as dictated in Agreement Item 4, assist the District in determining any corrective actions the District should take as a result of the first set of surveys<sup>18</sup> as required in Agreement Item 4, participate in the review and revision of District anti-discrimination/harassment policies as required by Agreement Item 7, to review and make recommendations on the use of teacher mentoring programs and their contribution to harassment/hostile environment based on race, color*

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<sup>18</sup> Corrective actions determined by the District should be reasonably designed to effectively address, prevent, and respond to harassment/discrimination at District schools that may be based on race, color, or national origin.

*or national origin as required in Agreement Item 9, and to participate in the community focus group as identified in Agreement Item 12. Consultant[s] will have expertise in multicultural/multilingual education, pedagogy awareness, and second language acquisition. Consultants will not be the consultants hired to assist the District ELL Design Committee in 2009.*

In its 2018 Update, the District wrote that OCR previously approved the District to work with Dr. Marcela Parra at the Western Educational Equity Assistance Center (WEEAC) at Metropolitan State University of Denver and the BUENO Center at the University of Colorado. The District also indicated in the Update that it was also working with Glenn Singleton, with the Pacific Education Group and the University of Virginia on its Turnaround Program.

The District is correct that in July 2014, OCR approved the WEEAC and the BUENO Center at the University of Colorado as consultants to work with the District. The WEEAC was to assist with Agreement Items 3, 4, and 7. The BUENO center was to assist the District with Items 3, 7, 9 and 12. We thanked the District for working with these professional organizations which have ties to the Commerce City community and understand the unique needs of the District with a majority of families that have a primary home language other than English (PHLOTE) and a strong Spanish speaking English Language Learner (ELL) population.

In the 2018 Update, the District listed that it was also working with Glenn Singleton, the Pacific Education Group, and the University of Virginia. This decision by the District may have been to address other specific needs within the District. However, these organizations were not identified to OCR or approved to assist the District in meeting the terms of this Agreement, or the Agreement in case number 08-09-1230.

The District must document its ongoing work on the required Agreement items with its approved consultants as agreed upon or provide the name, title and professional credentials of an external consultant[s] the District wishes to engage to meet the requirements of Items 3, 4, 7, 9, and 12 of the Resolution Agreement for OCR approval *prior* to engagement of the consultant[s] in matters specific to the Resolution Agreement. It is required by the Resolution Agreement that the external consultant[s] have demonstrated expertise in multicultural/multilingual education, (cultural awareness, harassment/hostile environment prevention), pedagogy awareness (in second language programs), and second language acquisition.

#### *Item 4-Climate Surveys*

*By February 7, 2014, the District shall develop and submit to OCR for approval student, parent, and staff surveys<sup>19</sup> to gauge the District's climate and needs as related to race, color, or national origin harassment/discrimination. The District will pay particular attention to the need to gauge attitudes and concerns related to staff treatment, parent treatment and to the use of Spanish by all students, parents and staff in the District. All surveys will be anonymous and provided directly to the external consultant identified in Agreement Item 3.*

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<sup>19</sup> Participation in the survey by students will be entirely voluntary, and the survey will be conducted in a manner consistent with applicable law.

**Reporting Requirement 4.1:** *Within 5 days of OCR's approval of the climate/needs survey, the District will distribute climate surveys to parents, students and staff. The District will provide the means for parents to complete the climate survey in a language and manner that they understand and in a manner that is accessible to them, including as appropriate, in person, via being sent home with students, home visits, invitations to come to the school, phone blast messages, email blast messages, the U.S. Postal Service, etc. The District shall complete the collection of surveys within 14 days.*

**Reporting Requirement 4.2:** *By April 4, 2014, the District shall submit to OCR its initial findings of the student, parent and staff climate/needs surveys. Findings will include the District's proposed corrective actions and a timeline for the corrective actions.*

In 2014, OCR approved for the District to work with Dr. Marcela Parra and the WEEAC to develop, distribute, collect and analyze the student, parent and staff climate/needs surveys. This became a huge undertaking for the District and the WEEAC. OCR approved all initial surveys for distribution and collection in April 2015. The WEEAC, with the support of the District, distributed and collected over 7,000 student, parent and staff climate surveys. The surveys were completed in the spring of 2016.

We find that the District met the requirements of Resolution Agreement Item 4.1 in 2016 and the Spring of 2016, and no further reporting of this item section is required at this time.

The WEEAC provided OCR with a copy of the final report that it prepared for the District on March 30, 2017. The WEEAC indicated that it was scheduled to provide a summary of the results to the District's BOE.

Generally, the survey results demonstrated that the District continues to struggle with hostile environment issues for students, parents and staff. The surveys also indicated that the District continues to fall short in its efforts to communicate with language minority parents in a language and manner that they understand. The WEEAC provided recommended corrective actions for the District.

In its January 2018 Update, the District indicated that the survey results were presented to school staff at the Superintendent's Kick-Off meeting in August 2017. It indicated that the District planned to provide the survey results at the Superintendent's Forum in April 2018. The District also stated that student survey presentations were in process in February 2018.

While OCR appreciates the District's efforts to disseminate the survey results, OCR is not clear on what that dissemination entailed, and the District has not provided evidence to support these statements. Per Reporting Requirement 4.2, the District is required to submit to OCR its initial findings of the student, parent and staff climate/needs surveys, its proposed corrective actions, a timeline for meeting the corrective actions. The District has failed to meet any of the requirements in Item 4.2

*Item 5-Grievance Officer*

*By January 17, 2014, the District will notify OCR of the name, title and contact information of its new Grievance Officer. The District will also verify that it has published this information to parents, staff and the community at large. This notice will include a statement that the District does not tolerate acts of harassment, including harassment based on race, color or national origin, including harassment based on being Hispanic.*

The District notified OCR on October 26, 2016, that Ms. Patterson, Director of Human Resources was the District's second line grievance officer. However, there was no indication that the District published this information for parents, staff and the community at large as agreed upon.

In January 2018, the District identified to OCR that its first line Grievance officer is Ms. Darci Mohr. OCR corroborated this information by reviewing the District's website. We also confirmed that the District has included on its website that it will not tolerate acts of harassment. We thank the District for providing OCR with this updated information.

We ask that the District provide an explanation as to how the District will notify parents who do not have internet access, about the Grievance Officer's contact information.

*Item 6-Complaint Data Collection*

*By January 17, 2014, the District will create a central database or separate electronic file system to track all complaints of race, color or national origin harassment/discrimination in the District. This database will track harassment/discrimination complaints in the District. The database will include, at a minimum, the following information:*

- a. *Name, title, and race of individual filing the complaint;*
- b. *Name and race of the alleged victim;*
- c. *The nature of the complaint;*
- d. *The identity, race and title or position of the person[s] alleged to have discriminated;*
- e. *Identification of the individual designated to investigate the complaint and his or her title/position;*
- f. *The findings of the investigation;*
- g. *Identification of corrective action taken by the District, and*
- h. *An indication of how the parties were notified of the District's findings.<sup>20</sup>*

*Reporting Requirement 6: By February 7, 2014, the District will provide written verification that it has created a central data base or other electronic tracking system for complaints of race, color or national origin harassment/discrimination.*

In our monitoring letter dated May 2, 2016 we informed the District of ongoing concerns with the District's creation and maintenance of its database to track complaints of discrimination based on Title VI of the Civil Rights Act of 1964 as well as compliance concerns with the District's handling of complaints of race, color, and national origin discrimination within the

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<sup>20</sup> The District must demonstrate that it has taken prompt and equitable resolution to the allegations raised.

District. On October 14, 2016, the District demonstrated that it was able to address some of the missing information that OCR identified to the District in May 2016. The District did not address the under-reported complaints during the 2016-2017 school year, failed to complete the investigations of several complaints and failed to take corrective action where discrimination complaints were investigated and confirmed involving BOE members and former BOE members and other administrators.

We noted this ongoing concern and need for corrective action with Superintendent Abrego in an introductory meeting with him late in the summer of 2016. To date, the District has not addressed the ongoing violation that it failed to take corrective action when notified of complaints of, discrimination, racial harassment and an ongoing hostile environment towards Hispanics. Nor has the District continued to appropriately document complaints of discrimination during the 2017-18 school year as evidenced by the District's rudimentary report of one complaint based on race, color, or national origin for that year, and only investigated that complaint when encouraged to do so by OCR.

OCR will schedule a follow up meeting within the next 45 days for the District to meet with the OCR Attorney Advisor assigned to the monitoring of this case. This meeting will offer the District the opportunity to provide follow up documentation identifying the District's ongoing efforts to comply with Agreement Item 6, to address prior concerns that OCR raised that have not been appropriately completed as of October 14, 2016, and allow the District to answer questions raised by its incomplete database.

The District must provide a current copy of the Title VI complaint/grievance database from October 14, 2016 through the present including written complaints, verbal complaints and complaints raised with the Board of Education on formal forms or verbally in Board of Education meetings. Please ensure that the data base includes OCR's recommendations from our May 2, 2016 letter and all items required in Agreement Item 6, a-f.

#### *Items 7 and 8-Revised Policies and Training*

*By February 7, 2014, with consultation from the external consultant, the District will review and revise as necessary its antidiscrimination, anti-harassment and grievance policies and procedures which in part may be found in District policies AC, JB, AC-R1, and AC-R2. Review and revision will ensure policies are reasonably designed to prevent, address, and respond to incidents of harassment on the basis of race, color, or national origin. At a minimum, the revised policies and procedures will include the following:*

- a. A statement that the District is committed to having a school environment free from all harassment on the basis of race, color, and national origin, prohibits this harassment in the school environment, including all academic, extra-curricular and school-sponsored activities, and defines harassment and discrimination on the basis of race, color or national origin.*
- b. An encouragement for students, parents, and staff to immediately report incidents of harassment. The statement will emphasize that staff must promptly report all incidents of harassment of which they become aware. The statement will specify that the District will investigate **all** formal and informal complaints of harassment.*

- c. Examples of the type of conduct and behavior that is prohibited by the policy, including examples of administrator to staff and student harassment, staff-to-student harassment, and student or staff peer-to-peer harassment and locations where prohibited conduct may occur.<sup>21</sup>
- d. An explanation of how to report harassment and/or file a complaint (formally and informally).
- e. A description of the District's complaint procedures, including a requirement that an investigatory report be completed promptly and equitably.
- f. The investigatory procedures documented in the investigatory report shall, at a minimum, include: (1) the name, race and/or national origin of the alleged victim and, if different, the name, race and/or national origin of the person reporting the allegation; (2) the nature of the allegation, a description of the incident, and the date and time (if known) of the alleged incident; (3) the name(s), race, and/or national origin of all persons alleged to have committed the alleged harassment, if known; (4) the name(s), race and/or national origin of all known witnesses to the alleged incident; (5) any written statements of the reporter, the victim (if different from the reporter), the accused individual(s) and any known witnesses; (6) the outcome of the investigation, including the findings of the investigation along with a description of any needed corrective action; and (7) the response of District personnel.
- g. Identification of the means the District will use to investigate incidents of harassment, including but not limited to the following:
  - i. The various steps the District will take to conduct adequate, reliable and impartial investigations of reported incidents;
  - ii. The action steps the District will take to stop, remedy, and prevent recurrence of the harassment; and
  - iii. The District's standards for determining whether a hostile environment exists.
- h. recommendation that District staff who observe acts of harassment based on race, color, or national origin intervene to stop the harassment, unless circumstances would make such intervention dangerous.
- i. Prohibition of retaliation against persons who report alleged harassment or participate in related proceedings.
- j. A statement that the District will on a case by case basis and as needed offer academic services and/or counseling services (e.g., either internal or external counseling as appropriate to each situation) to any person found to have been subjected to harassment on the basis of race, color, or national origin and, where appropriate, cultural awareness and sensitivity training to the person(s) who committed the harassment.<sup>22</sup>
- k. A statement as to specific steps staff can take if the alleged harasser is a building administrator or other District administrator.

Reporting Requirement 7.1: By **February 7, 2014**, the District will submit to OCR for approval its revised antidiscrimination, anti-harassment and grievance policies and procedures.

Reporting Requirement 7.2: Within **10 days** of OCR's approval of the revised policies, the District will adopt and publish the revised antidiscrimination, anti-harassment and grievance policies and procedures following its normal path for adoption and publication.

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<sup>21</sup> Examples will include allegations made in this case.

<sup>22</sup> The offer of counseling will extend to staff victims of harassment as well.

**Reporting Requirement 7.3:** *Within 5 days of adoption and publication of the revised antidiscrimination, anti-harassment and grievance policies and procedures, The District will provide OCR with written verification that the policies and procedures have been adopted and published.*

**Reporting Requirement 7.4:** *By February 21, 2014, the District will submit a training package to OCR for approval. The District will develop training for all District students (age and grade appropriate), and District staff (teachers, administrators, central office staff and the superintendent's cabinet, the District Board of Education, counselors, resource officers, coaches, school aides, and any other District personnel charged with supervising students or staff) on the policies and procedures referenced in this Agreement. The training will also specifically:*

- *Address the responsibility for staff to refrain from participating in harassment and the creation of a hostile environment, to report incidents of possible harassment and the procedures for doing so (with particular emphasis on reporting administrative harassment, including principals and central administration), and*
- *Provide instruction on how to recognize, take steps reasonably designed to prevent and respond appropriately to such harassment. In developing the training, the District will take into consideration the recommendations and suggestions made by its consultant and will incorporate specific allegations from the investigation of this complaint.*
- *Remind students of the District's commitment to having a school environment free from all harassment and explain to students what they should do if they believe they or other students are being harassed.*
- *Include a review of the District's harassment policies and procedures, including an explanation of what harassment on the basis of race, color, or national origin is, as well as disciplinary sanctions related to findings of violations of its harassment policies and the policy prohibiting retaliation.*
- *Provide students with the name and contact information of a District employee at each building, such as a counselor, that the students may contact if they wish to discuss privately any concerns they have.*
- *The District will provide OCR with the name and credentials of individuals identified to provide the training for OCR's approval. The credentials will include a curriculum vitae that demonstrates the trainers experience in the areas identified in this training package.*
- *The District will distribute written materials (including in languages other than English, as necessary) during the program that contain the information discussed.*
- *To address alleged insensitivity to the Hispanic culture, by the District, and past lack of use of the Spanish language by administration, the District will place particular focus on the training of building administrators and central administrators in the areas of valuing the language and culture of students, parents and employees, and remedying any hostile environment that may have been created in the District.*

**Reporting Requirement 7.5:** *Within 30 days of OCR's approval of the District's training package, the District will provide the approved training from Reporting Requirement 7.4 to all students, staff, administration, and the Board of Education.*

**Reporting Requirement 7.6:** *Within 15 days of conducting the training, the District will provide OCR with written verification that it has completed the training required in reporting requirement 7.5. The District documentation will include:*

- *The agenda and handouts for the trainings;*
- *The date and time the trainings were held; and*
- *A copy of the attendance sheet from the trainings, including the name and title of each participant, along with a written assurance from the District that all required attendees were present during the training.*

Item 8

*By February 7, 2014, and in an effort to maximize the impact of the District's training, the District will submit a request for certification for continuing education credit to the Colorado Department of Education for the mandatory training in Agreement Item 7.4 and 7.5, and for the staff working group identified in Agreement Item 11 as appropriate professional development for teachers and other licensed professionals to remedy the effects of past discrimination. The District will simultaneously provide a copy of the training certification request to OCR.*

The former in house counsel for the District submitted a working draft of the District's revised antidiscrimination, anti-harassment and grievance policies and procedures including Board Policies, JB, AC-R1, and AC-R2 on January 25, 2015. The working draft had been reviewed and commented on by staff with the WEEAC, the District's external consultant. There was supplemental conversation concerning the draft policy revisions. Subsequent to the departure of the former in house counsel<sup>23</sup>, the District did not take steps to provide OCR with its final proposal for OCR's review and approval.

*Item 7 d.-Notice of Complaint Process*

Superintendent Abrego communicated to the community, staff and parents that Board of Education complaints should use the form that is on line. However, in his March 2018 interview with OCR, the Superintendent acknowledged that only approximately fifty percent of District parents have adequate access to the internet. The Superintendent indicated in his interview that discrimination complaint forms are also available at every school. During OCR's visits to District schools, we did not find this to be the case. The District will need to develop a plan to make the information shared on its website available to parents who do not have adequate internet access. Further, the District will need to ensure that both formal and informal complaints of race, color, and national origin harassment will be investigated.

Because submission and approval of the District's revised policies has not been completed, the District is not yet approved to complete the additional requirements of Agreement Item 7 or Agreement Item 8. The District has an obligation to complete all required reporting pieces of Agreement Items 7 and 8 including approval of the training pieces *before* the training may be conducted.

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<sup>23</sup> Walter Kramarz

### *Item 9-Mentoring Program*

*By February 7, 2014, the District in consultation with the external consultant will submit to OCR for approval a model, design and plan for teacher mentoring in District classrooms. The model will specifically address the need to value native languages in the classroom; the lack of qualified observers for bilingual staff, and the need for accountability to ensure mentoring is not used in teachers' formal evaluations.*

*Reporting Requirement 9: Within 30 days of OCR's approval, the District will submit verification to OCR that it has implemented its approved mentoring program.*

In 2014, the District committed to working with the BUENO Center at the University of Colorado to meet Agreement Item 9. The District's efforts were to include building capacity through teacher retention, mentoring, and training with assistance of the BUENO Center at the University of Colorado. However, the District has not provided a model, design or plan for teacher mentoring to OCR as required in the Agreement. The District has not fulfilled this Agreement item.

Further, during several interviews, OCR learned that during the 2017-2018 school year some bilingual teachers have been questioned, and verbally admonished by their principals for allowing students to use Spanish to respond to teachers in the content areas, especially in the elementary levels. The report of these events demonstrates the ongoing chilling effect for Hispanic and bilingual teachers, making individuals fearful and inhibiting teachers from appropriate uses of students' native languages. This was identified as a hostile environment concern in the original findings.<sup>24</sup>

Resolution Agreement Item 9 specifically asked the District to address the need to value native languages in the classroom; the lack of qualified observers for bilingual instructional staff, and the need for accountability to ensure mentoring is not used in teachers' formal evaluations. When OCR asked Dr. Abrego about the District's language use policy he answered that he did not know what a language use policy was. The District must take immediate action to address this Agreement item and submit its teacher mentoring plan which includes items identified in Item 9 and on page 11 of the Resolution Agreement.

### *Item 10-Student Input*

*By February 21, 2014, the District will establish and provide documentation to OCR of the existence of a student committee (comprised of at least 5 high school students,<sup>25</sup> and 1 staff sponsor) with responsibility for providing a forum for students to discuss matters concerning discrimination or harassment on the basis of race, national origin or color, increase student awareness of the District's anti-harassment program, and suggest measures for improving the effectiveness of the District's program.<sup>26</sup> The student*

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<sup>24</sup> See, OCR's April 25, 2014 *Resolution Letter*, at pages 1, 17, and 19.

<sup>25</sup> This student committee may include elementary and middle school student representation as appropriate.

<sup>26</sup> To address the allegations of a hostile environment toward Hispanics, the District will strive to ensure that the makeup of the race/color/national origin of the student committee represents the percentages of the overall District student population. (e.g., if Hispanics are 80% of the District population, the District will work to encourage

*committee will have the same privileges as other District extracurricular activities, including access to meeting space in the high schools and public notice about the committee, its meetings and its activities. The student committee will also provide specific suggestions to the Superintendent and independently to the Board of Education for developing an effective program that promotes respect and tolerance for others and takes steps reasonably designed to prevent the establishment of a hostile environment based on race, color or national origin for students. The student committee will meet at least four times throughout the academic year, during different school hours. Students participating in the committee will be given excused absences from class.*

**Reporting Requirement 10:** *By February 21, 2014, the District will provide OCR with evidence that demonstrates the District established the student committee, including a description of the committee's duties, the committee's schedule of events during the remainder of the 2013-14 school year, and a roster of the committee's members identifying each student's race/color/national origin.*

The District demonstrated that it established a *temporary* student committee at Adams City High School toward the end of the 2013-14 school year. While the District made efforts toward completing Agreement Item 10 during the 2013-2014 school year, the District has not demonstrated that the student committee provided specific suggestions to the Superintendent and independently to the Board of Education for developing an effective program that promotes respect and tolerance for others and takes steps reasonably designed to prevent the establishment of a hostile environment based on race, color or national origin for students. The District has not demonstrated that the student committee met at least four times throughout the academic year, during different school hours. The District has not provided a description of the committee's duties, the committee's schedule of events during the remainder of the 2013-14 school year or following years, or a roster of the committee's members identifying each student's race/color/national origin. The District has not provided OCR with the recommendations that the student committee was to make to the Superintendent and independently to the Board of Education.

The District shall take additional steps now, in the 2018-19 school year, to appropriately and adequately complete the requirements of Agreement Item 10, create a student committee with the responsibility for providing a forum for students to discuss matters concerning discrimination or harassment on the basis of race, national origin or color, increase student awareness of the District's anti-harassment program, and suggest measures for improving the effectiveness of the District's program. The student committee will also provide specific suggestions to the Superintendent and independently to the Board of Education for developing an effective program that promotes respect and tolerance for others and takes steps reasonably designed to prevent the establishment of a hostile environment based on race, color or national origin for students.

#### *Item 11-Staff Input*

**By February 21, 2014, the District will establish and provide documentation to OCR of a staff working group of at least 4 elementary staff members, 2 middle school staff**

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Hispanics students to participate in the committee so that the percentage of Hispanic students on the committee reflects the overall population of the District. This will be monitored by OCR in Reporting Requirement 10.

*members, and 2 high school staff members to provide a forum for staff to discuss matters concerning discrimination or harassment on the basis of race, national origin or color, increase staff awareness of the District's anti-harassment program, and suggest measures for improving the effectiveness of the District's program. The staff working group meetings will be open to all District staff and staff will be given notice about the committee, its meetings and its activities. The staff working group will also provide specific suggestions to the Superintendent and independently to the Board of Education for developing an effective staff orientation program that promotes respect and tolerance for others and takes steps reasonably designed to prevent the establishment of a hostile environment based on race, color or national origin for all District. The staff working group will meet at least four times throughout the school year during school hours and will be granted administrative leave to participate. In addition:*

- a. The documentation provided to OCR will include the name, title, school, and race/color/national origin of each member of the staff working group.*
- b. The staff working group will be provided with a designated qualified employee to coordinate the group's meetings and work;*
- c. The working group will be asked to provide the Superintendent, and independently to the Board of Education, input regarding strategies for preventing harassment, and ensuring that District staff understand their right to be protected from discrimination, including harassment, on the basis of race, color and national origin and to be protected from retaliation for reporting alleged discrimination;*
- d. The working group also will provide continuing input to District officials regarding strategies to ensure students understand how to report possible violations of the Policy and are aware of the District's obligation to promptly and effectively respond to complaints alleging race, color or national origin discrimination, including harassment;*
- e. The group will consider how outreach efforts to families and family advocacy organizations can be made to garner support for the District's anti-harassment program, and*
- f. The designated qualified employee will prepare a written summary of the recommendations and suggestions of the staff working group.*

In the Update provided in January 2018, the District stated that it was working with the District's Union members on the items identified for a staff working group. However, the information provided by the District indicates that this is a different committee with the purpose of addressing District employment issues. This does not meet the requirements of Agreement Item 11 although the Union Committee discussed some similar concerns. The District must take immediate action to implement the requirements of Agreement Item 11, paying particular attention to the required items in a-f.

#### *Item 12-Community Input*

*By February 21, 2014, the District will provide OCR with written verification that it has conducted a community meeting to create a focus group of community members and*

*community organizations<sup>27</sup> to partner with the District to increase community awareness of the District's anti-harassment program, and suggest measures for improving the effectiveness of the District's program. The community focus group will be provided with a designated qualified employee to coordinate the group's meetings, invite community organizations, to work directly with the focus group and to act as a District liaison to provide the feedback to the Superintendent and Board of Education if needed.*

*The community focus group will then meet at least 3 additional times throughout the school year and will be conducted in English and Spanish. The District will also provide translators for other language groups that wish to participate in the community focus group. The community focus group will:*

- a. Consider how outreach efforts to families and family advocacy organizations can be made to garner support for the District's anti-harassment program, and*
- b. Provide the Superintendent and independently to the Board of Education input regarding strategies for preventing harassment/discrimination on the basis of race, color and national origin and protections from retaliation for reporting alleged discrimination.*

In June 2014, the former Superintendent (Pat Sanchez) conducted an initial community forum meeting. A member of OCR's staff was present to observe the meeting. The District invited a number of community groups, staff and parents to participate. There were other meetings held during the 2014-2015 school year. While the District gave OCR notice of when meetings were planned to take place, the District did not provide updated information as to the formation or work of an *ongoing* community focus group as required, nor has the District demonstrated that it has accomplished part b. of Item 12.

#### *Item 13-Employment Audit*

*By February 21, 2014, the Superintendent and Assistant Superintendent for the District will complete an audit of the work, employment history, employment files, and removal of the former employees listed in Attachment A of this Agreement.*

*The audit will consider the reasons that individuals proffer for their separation from the District to include whether their departure was related to alleged discrimination/hostile environment on the basis of race, color or national origin within the District. The Superintendent and Assistant Superintendent will interview identified individuals and others that interviewees may identify. Through the audit, the District will determine any corrective actions it will take in order to remedy the effects of discrimination/harassment or hostile environment that these individuals were subjected to (such as re-employment, changes to employment files, letters of recommendation, re-assignment of staff, etc.) and a timeline for implementation of corrective action, which will be monitored by OCR.*

*Reporting Requirement 13.1: By March 7, 2014, the District will provide to OCR a report of the employment audit to include:*

- a. A description of each investigation and its findings; and*

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<sup>27</sup> Community organizations may include organizations such as the BUENO Center for Multicultural Education, Padres Unidos, and the Colorado Statewide Parent Coalition.

b. *A list of corrective actions that the District commits to take as a result of the audit, with specific target dates for completion, which will be monitored by OCR through completion.*

**Reporting Requirement 13.2: By June 6, 2014, the District will provide OCR with a report documenting all completed actions taken in Agreement Item 13. The documentation will include the action taken, the date completed, and the names of the employees or former employees affected by the corrective action.**

The former Superintendent (Pat Sanchez) and former Assistant Superintendent (Kandi Steele) completed the required audit identified in Agreement Item 13 during the 2014-2015 school year. The District interviewed individuals identified by OCR who had left the District during the hostile environment case under duress or coercion as found during the investigation. The District demonstrated that it reviewed the circumstances and evidence surrounding each individual's departure. The District then worked with each individual to determine appropriate corrective action when found to be appropriate and then took that corrective action. The District submitted a report of its investigations, findings and corrective actions taken by the District. We find that the District met the requirements of Resolution Agreement Item 13, no additional reporting is required on this Item at this time.

#### *Item 14-Annual Assessments*

**By June 6, 2014, and at the conclusion of each following school year, the District will conduct an annual assessment of the effectiveness of its anti-harassment efforts. Such assessment shall include:**

- a. *Consultation with the committee and working groups established pursuant to Agreement Items 10, 11, and 12 above;*
- b. *Student, parent and staff surveys;*
- c. *A review of all reports of harassment and District responses as noted in Agreement Item 6;*
- d. *Evaluation and analysis of the data collected for Agreement Item 6, including a disaggregated assessment of whether the reported incidents of harassment have increased or decreased in number and severity,*
- e. *A summation of findings and final corrective action taken as a result of the District's employment audit identified in Agreement Item 13, and*
- f. *Proposed recommendations for improvement to the District's anti-harassment program and timelines for the implementation of the recommendations.*

**Reporting Requirement 14: By June 30, 2014, the District will provide OCR with the report of its annual assessment of the effectiveness of its anti-harassment efforts. The report will include all findings, summation of data collected and the changes to be implemented with timelines for implementation including items 14. a-f.**

The District was required to complete annual assessments of the effectiveness of its anti-harassment efforts beginning at the end of the 2013-2014 school year and continuing through the monitoring of the Agreement. The assessments were to include consultation with the committees and working groups identified in Agreement Items 10, 11, and 12. The District was also required to include the student, parent and staff survey findings, a review of all reports of harassment and

the District's reports of harassment including the District's response as identified in Agreement Item 6. The District was to conduct an evaluation and analysis of the data collected for Agreement Item 6, including a disaggregated assessment of whether the reported incidents of harassment have increased or decreased in number and severity.

*Item 14 a. Consultation with the committee and working groups*

We note above that the District has not completed its work with committees and working groups identified in Agreement Items 10, 11, and 12. The District is not able to complete an annual assessment contemplated in Item 14 until these prior items have been completed.

*Item 14 b. Student, parent and staff surveys*

The District has not completed the review, timeline, or corrective action based on the WEEAC findings for Item 4 above. Therefore, it cannot evaluate the surveys or the District's efforts to address concerns as indicated in Item 14 b.

*Item 14 c. and d.-Analysis of Complaints*

In addition to the concerns raised in Item 6 concerning the development and maintenance of a complaint database, another primary and ongoing concern is that we are aware of national origin, race, and color allegations of discrimination and retaliation being raised about the highest levels of the District, including the Superintendent, current and past members of the Board of Education, and principals that have not been investigated, or if investigated, have not been appropriately remedied by the District. We notified Dr. Abrego and Sandra Rotella of some of these concerns in the summer of 2016, but have not received or found evidence that the concerns have ever been addressed.

OCR has an additional concern that since October 2016, there have been complaints of race, color and national origin discrimination that have come to the District through open comment opportunities during Board of Education meetings that have not been addressed by the Superintendent as required in Board of Education policy KE. The District has not provided evidence that the Superintendent has investigated any complaints raised in Board of Education meetings since October 2016.

*Item 14 e. Summation of Findings and Corrective Action Taken*

As follow up to Agreement Item 13, in Item 14 e., we asked the District to provide OCR with a summation of its findings and final corrective action taken as a result of the District's employment audit. The District submitted a report of its investigations, findings and corrective actions taken by the District during the 2014- 2015 school year. The report met the requirements for Item 14 e., and no further monitoring is required at this time.

Lastly, the District was to provide proposed recommendations for improvement to the District's anti-harassment program and timelines for the implementation of said recommendations.

We note that it is not possible for the District to complete this item fully when it has not completed many of the items necessary and leading to the evaluation and report identified in Agreement Item 14.

#### Additional Compliance Concerns

OCR received additional allegations during this monitoring cycle that are related directly to the District's compliance with regard to the hostile environment finding and the lack of effective LEP parent communication, the Resolution Agreement, and the original allegations in this case. To gain further information into these allegations, OCR conducted an additional document review, interviewed staff at several school sites, Dr. Abrego, Superintendent, Ms. Burgos, Chief Academic Officer and others who contacted OCR.

- It was alleged to OCR that during several group meetings during the 2017-2018 school year, the Superintendent and Chief Academic Officer discriminated against bilingual staff and parents on the basis of national origin by making disparaging comments to administrators, teachers, other staff and parents regarding Hispanic parents' and teachers' accents, and oral language abilities. We have allegations that both administrators have commented separately that accents are a detriment to student achievement. It is alleged that they have not made the same comments to non-Hispanic, English speaking parents or all English speaking teachers or teachers with other non-Spanish accents.

In our document review and interviews there were multiple allegations from various individuals that independently corroborated each other.

When OCR raised these concerns with Dr. Abrego and Ms. Burgos, they denied all the allegations. After further inquiry, Dr. Abrego acknowledged that he made a statement about accents in the context of relating his own ELL experiences with his sister.

- Dr. Abrego made a statement to bilingual staff that he wanted to get rid of all the ELL students.

During the fall of the 2017-2018 school year and again in the spring of 2018, OCR was provided corroborating evidence from at least 15 individuals that at a meeting of bilingual/Hispanic staff, Dr. Abrego stated that he wanted to get rid of ELL students. After Dr. Abrego left the meeting, an administrator with the alternative language program attempted to redeem the situation and told staff members that Dr. Abrego meant that he wanted to see all ELL students become proficient in English. However, bilingual staff reported to OCR that they found the statement to be hostile towards ELL students and parents.

- The Chief Academic Officer, Aracelia Burgos, specifically told building administrators that the District was not going to provide translators and that parents would have to bring their own translators or use family members to translate if they needed that support. It is alleged that Ms. Burgos stated that it is not the District's job to provide this service for parents.

Ms. Burgos denied making any statements concerning the provision of translators to building administrators. There is corroborating evidence from former administrators that Ms. Burgos made the comment as alleged.

Regardless of whether Ms. Burgos said it or not, this is a concern under Title VI of the Civil Rights Act of 1964, which requires that national origin minority parents have equal access to information provided to non-minority parents.

Ms. Burgos did acknowledge that the District failed to provide translations for LEP parents with first semester report cards. She stated that after the first semester the District provided a copy of a Spanish version of the report cards for Spanish speaking parents. There is evidence that some schools are not using the translation and that the translation was confusing for parents in other schools. There is also evidence from the District that the District has not provided interpretation or translation opportunities for report cards for LEP parents that speak languages other than Spanish or English.

Dr. Abrego stated that providing translation for parent teacher conferences was a decision for building administrators and he did not know what principals were doing in terms of translating conferences. At one school, the principal said that parent teacher conferences were going to be student led data conferences with parents. Asking students to translate for their parents in an effort to avoid the requirement for translators is a violation of Title VI of the Civil Rights Act of 1964, OCR's May 1970 memorandum, and the District Resolution Agreement.<sup>28</sup> These kinds of actions were addressed in the April 25, 2014 Resolution letter to the District and require additional District action moving forward.

- In the 2017-2018 school year, bilingual/Hispanic staff reported that they were threatened with termination if they made any public statements to parents or others concerning ELL students or native language instruction in the District. It is alleged that Non-bilingual staff received no similar threats.

In his interview, Dr. Abrego indicated that no staff person was threatened with termination if they make statements to parents concerning the District's alternative language programs. He stated that he only wanted to clear up ongoing confusion concerning alternative language programs and to ensure that everyone was on the same page. However, OCR had corroborating statements from more than 30 District staff members and former administrators that are contrary to the Superintendent's statement.

The District made a commitment to include parents and the community in its alternative language program decisions. Further, as noted above, the surveys conducted by the WEEAC noted that communication and participation for parents was an ongoing concern for the District. This is not new information for the District. It has also become an ongoing and heated topic at District Board of Education during the 2017-2018 school year and more recently.<sup>29</sup>

<sup>28</sup> See, OCR's May 1970 Lau Memorandum at: <http://www2.ed.gov/about/offices/list/ocr/docs/lau1970.html>

<sup>29</sup> See, OCR's April 25, 2014 *Resolution Letter*, at pages 2, 15; the WEEAC final report and District Board of Education meetings in November, December 2017 and January 2018 at:

<https://www.youtube.com/playlist?list=PLIDwtDJFYcd04bP2j5u0ZNcWmmuM9ojig>

- During the 2017-18 school year, building administration in several schools called out, warned and verbally admonished bilingual/Hispanic teachers for allowing students to use Spanish in answering questions in academic settings without sound pedagogical justification. Non-bilingual/Hispanic teachers have not received similar admonishments.

District administration denied that this was taking place. As noted above, when Dr. Abrego was asked about the District's language use policy he answered that he did not know what a language use policy was. Informing staff that students must respond in English in non-bilingual settings and not allowing students to respond to questions in Students' native languages in appropriate academic settings such as during content area instruction and other school environments, (especially at the elementary level as alleged), sounds very similar to incidents in OCR's original findings.<sup>30</sup>

The District must take action to communicate that it values students', parents' and staff's use of Spanish and the other languages spoken in the District. The District must also provide ongoing opportunities for communication, input and direction into its alternative language program design for District stakeholders (ELL and bilingual students, parents, and staff) as it initially agreed to do. With a creation of a language use policy as agreed to in this Resolution Agreement, students, parents, staff and administration will have a clear understanding of appropriate uses of English and other languages, and the District will communicate clearly that it values other languages and cultures.

- The District eliminated parent teacher conferences.

This alone is not a violation of the Resolution Agreement because the action applied to all students within the District. However, OCR observed through BOE meetings that Superintendent Abrego told the community that parents could communicate with teachers and receive student information through individual meetings or through online formats because the District was encouraging this shift in communication styles.

- Individuals complained that the District's website is not accessible for parents who speak languages other than English.

Dr. Abrego acknowledged to OCR that approximately 50 percent of District parents do not have adequate access to the internet in order to participate in all activities that are online or to receive notifications that are placed solely online such as information on Infinite Campus and notification of the ELL Design Committee. With a majority of Spanish speakers and ELL students in the District, it is important for the District to have more than one mechanism for communication with parents other than stating that the information is online. The concern over e-communication will continue to be addressed in the monitoring actions for the District.

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<sup>30</sup> See, OCR's April 25, 2014 *Resolution Letter*, at pages 9-14.

OCR confirmed to District administration in the Spring of 2018, that, at a minimum, on-line Board of Education agendas, meeting minutes, and BOE policies are not available to parents in a language and manner that parents understand. At the date of this letter, this has not been addressed.

As stated above, throughout OCR's monitoring of this agreement, District staff who are responsible for completing significant portions of the Resolution Agreement have oftentimes had their District positions eliminated, have lost their duties and responsibilities, or have been terminated. While OCR has not found that these specific situations are directly related to the Agreements, themselves, we have informed affected parties of their rights to file complaints either with OCR or the Equal Employment Opportunity Commission (EEOC).

Further, OCR has notified the District *repeatedly* that individuals filing a complaint or participating in an investigation are protected by Federal law against harassment, retaliation, or intimidation by 34 C.F.R. § 100.7(e). This protection includes individuals tasked with overseeing and completing the District's Resolution Agreements.

#### Summary 08-10-1112

In summary, the District completed Resolution Agreement Items 1, 2, 4.1, 13 and 14.e. The District has failed to meet Agreement Items 3, 4.2, 5, 6, 7, 8, 9, 10, 11, 12, and 14.

#### Conclusion and Next Steps

It is clear that parents, staff and administration of Adams 14 desire the best education for students, and for students to be successful academically and to learn English and gain bilingual academic skills. This was a constant theme of District Board of Education meetings during the 2017-18 school year.<sup>31</sup> In early 2018, the Superintendent and the Director of Human Resources communicated to OCR the District's commitment to abide by Title VI of the Civil Rights of 1964 and its Resolution Agreements with our Office.

Perennial problems persist with the District's implementation of any consistent alternative language program, ensuring endorsed and appropriately trained staff in its ALP, effective and consistent ELL and bilingual assessments, appropriate and consistent communication with minority and language minority parents, and with the District's movement to end and remediate the hostile environment toward Hispanic individuals in the District.

As stated at the beginning of this letter, the removal or other departure of individuals who worked toward the District's compliance with Title VI through the implementation of these Resolution Agreements does not obviate the District's ongoing obligations to come into compliance with federal law. District administrators stating that they did not know about, understand or agree with the Resolution Agreements or actions of prior administrations is not a

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<sup>31</sup> See, <https://www.youtube.com/playlist?list=PLIDwtDJFYcd04bP2j5u0ZNcWmmuM9ojg>

defense to the District's failure to meet its obligations. As of the date of this letter, the District has not completed the requisite corrective action items necessary to demonstrate compliance both with the terms of the Agreements and with Title VI of the Civil Rights Act of 1964.

As stated previously, OCR recognizes the need for a legitimate discourse with the District and other stakeholders concerning the District's next steps in its efforts to come into compliance with the Resolution Agreements and federal law. This meeting will be scheduled by the attorney assigned to the monitoring of these two cases with meeting notifications sent to the Superintendent, members of the Board of Education, and the designated attorney for the District. OCR will invite other interested stakeholders to this meeting and commits to schedule the meeting **before the end of 2018.**

Crucial to the District's ability to meet the requirements of the Resolution Agreements and to provide equal educational opportunities for all its students is for District administration to understand its obligations, its ELL population and need for ongoing continuity and consistency in its efforts to provide an appropriate ALP, appropriate and adequate communication with LEP parents, and its need to terminate and remedy the hostile environment.

Further, given the District's demographics, District administration has a need to understand current second language acquisition theory, appropriate pedagogy for ELL students, and how the implementation and evaluation of the District's alternative language programs must be improved. District administration must understand the importance of implementing its chosen alternative language plan with integrity, and continuity (from one administration to the next), the District's dire need for correct and adequate ELL student evaluation, appropriate data collection and disaggregation of all students' achievement data (ELL v. bilingual v. English only students). To address these needs, OCR suggests that District administration and the District BOE receive training in these identified areas.

It is our hope that training will help District administration to move forward in meeting its commitment to the Resolution Agreements, to understand where the District's entire student population is at culturally, pedagogically and academically, and to focus on common goals with parents and the community which is vital for compliance with Title VI of the Civil Rights Act of 1964 and for future alternative language program planning in the District.

OCR notifies the District that individuals filing a complaint or participating in an investigation are protected by Federal law against harassment, retaliation, or intimidation by 34 C.F.R. § 100.7(e).

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, we will seek to protect, to the extent provided by law, personal information, which if released, could constitute an unwarranted invasion of privacy.

OCR looks forward to working with the District in order for the District to meet the requirements of its Resolution Agreements and to provide equal educational opportunities to its national origin students, parents and staff as required in Title VI of the Civil Rights Act of 1964.

If you have any questions you may contact Virginia Wilson-Cobble, Attorney Advisor assigned to monitor these cases, at (303) 844-4538 or at [virginia.wilson-cobble @ed.gov](mailto:virginia.wilson-cobble@ed.gov). I am also available at (303) 844-4568.

Sincerely,

J. Aaron Romine  
Regional Director  
Denver Office for Civil Rights

cc: Complainants (via email only)

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